

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

BENJAMIN T. KENNEDY (CASBN 241350)
Assistant United States Attorney

150 Almaden Boulevard
San Jose, California 95113
Telephone: (408) 535-5059
Facsimile: (408) 535-5066
Email: benjamin.t.kennedy@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00077 JW
)	
Plaintiff,)	STIPULATION AND PROPOSED <i>Proposed</i>
)	ORDER EXCLUDING TIME FROM
v.)	DECEMBER 17, 2007 TO JANUARY 14,
)	2008 FROM THE SPEEDY TRIAL ACT
JOSE CHAVEZ-SAPIEN,)	CALCULATION (18 U.S.C. §
)	3161(h)(8)(A))
Defendant.)	
)	
)	

On November 5, 2007, defendant Jose Chavez-Sapien appeared for a status conference before this Court. Assistant Federal Public Defender Lara Vinnard appeared on behalf of the defendant. Special Assistant United States Attorney Benjamin Kennedy appeared for the government. At that time, the Court set the matter for a motions hearing on December 17, 2007.

The parties hereby request that the Court enter this order continuing the motions hearing to January 14, 2008, and exclude time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from December 17, 2007 through January 14, 2008.

The parties stipulate that the time between December 17, 2007 and January 14, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the

1 requested continuance would unreasonably deny defense counsel reasonable time necessary for
2 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
3 that the ends of justice served by granting the requested continuance outweigh the best interest of
4 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
5 U.S.C. §3161(h)(8)(A).

6
7 DATED: December 11, 2007

SCOTT N. SCHOOLS
United States Attorney

8
9 /s/
10 BENJAMIN T. KENNEDY
Assistant United States Attorney

11
12 /s/
13 LARA VINNARD
Assistant Federal Public Defender

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between December 17, 2007 and January 14, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: December 12, 2007



JAMES WARE
UNITED STATES DISTRICT JUDGE